IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Appeal No.33 of 1998
From
Writ Petition No.367 of 1996
And
Appeal No.34 of 1998
From
Writ Petition No.369 of 1996

APPEAL NO.33 OF 1998

Hindustan Petroleum Corporation Ltd. .. Appellant (Org.Respondent)

Vs.

The Petroleum Employees Union and Others. .. Respondents (R.No.1/original petitioner No.1 & 2 to 30 are org. respondents.)

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S/Shri S.K.Talsania, Sr.Counsel, with Ankit Mehta i/b M/s. Haresh Mehta & Co. for the appellants.

Ms Ranjana Todankar i/b S.S.Pakale for the respondents.

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APPEAL NO.34 OF 1998

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Vs.

The Petroleum Employees Union and Others. .. Respondents

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S/Shri S.K.Talsania, Sr.Counsel, with Ankit Mehta i/b

M/s. Haresh Mehta & Co. for the appellants.

Ms Ranjana Todankar i/b S.S.Pakale for the respondents.

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CORAM : R.M.S.KHANDEPARKAR &
DR.D.Y.CHANDRACHUD, JJ

DATED : 8TH JANUARY, 2007

P.C.

1. By consent, taken on board on request the Appeal No.34 of 1998 for hearing and final disposal.

2. Since common questions of law and facts arise in both these appeals, they were heard together and are being disposed of by this common judgment.

3. In the course of hearing of the appeals, in view of the decision delivered by the Apex Court in **Steel Authority of India Ltd. & Ors. v. National Union Waterfront Workers & Ors.,** reported in (2001)7 SCC, the learned advocate appearing for the respondents/original petitioners fairly submitted that the original petitioners seek leave to withdraw the original petitions with liberty to approach the competent authority raising industrial dispute in relation to the matter in issue.

4. In view of the decision of the Apex Court in **Steel Authority of India Ltd.'s case (supra),** as rightly submitted by the learned advocate for the original petitioners, question of sustaining the impugned orders does not arise, and therefore, the original petitioners are allowed to withdraw the original petitions with liberty to approach the competent authority raising appropriate dispute in relation to the matter in issue within a period of two weeks from today, and having so approached, the competent authority/government to take appropriate decision in the matter within a period of 12 weeks from today, and for that purpose, the appellants herein, who are the original respondents in the original petition, shall maintain status quo in relation to 263 employees without prejudice to the rights of the parties.

5. Accordingly, the original petitions are allowed to be withdrawn with liberty as stated above. Needless to say that in view of the withdrawal of the original petitions, the impugned orders stand quashed and set aside.

6. The original petitioners and the appellants/original respondents herein are at liberty

to approach the competent authority/government for raising industrial dispute within a period of 15 days, in which case, the later shall take an appropriate decision within a period of 12 weeks from today and meanwhile, for a period of 14 weeks, the appellants/original respondents shall maintain status quo in relation to 263 employees without prejudice to the rights of either of the parties. It is made further clear that in case the matter is taken before the Labour Court/Tribunal, the said Court/Tribunal should not get influenced in any manner with the order passed today directing maintenance of status quo in relation to 263 employees. In case, any application is filed for interim relief, the same shall be dealt with and decided in accordance with the provisions of law.

7. In view of the above, the appeals stand disposed of consequent to withdrawal of the original petitions and setting aside of the impugned orders with the liberty as stated above. Consequently, the Notices of Motion in the appeals also stand disposed of.

(R.M.S.KHANDEPARKAR, J)

(DR.D.Y.CHANDRACHUD, J)